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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3723
Examiner: Eziamara Anthony OJINI

In Re PATENT APPLICATION Of:

Applicant(s): Patrick Michael McCaffrey et al.

Serial No.: 09/840,077

Filed: April 24, 2001

For: POWDER FOR DISKS

Docket No: ROC920010057US1-IBM 204

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TECHNOLOGY CENTER R3700

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)
) **RESPONSE TO**
) **RESTRICTION**
) **REQUIREMENT AND**
) **PROVISIONAL PETITION TO**
) **THE COMMISSIONER**

January 27, 2003

Assistant Commissioner for
Patents & Trademarks
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement dated January 17, 2003, Applicants elect the invention of Group I, i.e., the subject matter of claims 1~9, for further examination. The election is made with traverse.

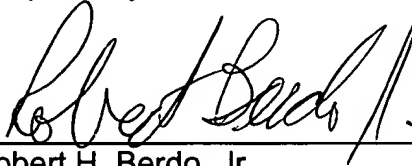
The Examiner's attention is respectfully directed to MPEP § 803, which specifically states **that if the search and examination of the entire application can be made without serious burden, the Examiner must examine the entire application on the merits, even though it includes claims to independent or distinct inventions.** It is submitted that examination of the entire application would not constitute a serious burden on the part of the Examiner, since the Examiner has already searched the subject matter of the claims of both Groups I and II. That is, the Examiner has already issued an Action on the merits (mailed September 10, 2002), in which all of the claims of each group were evaluated by the Examiner, and rejected in view of the art of record. A response to this Action was submitted by Applicants on November 22, 2002. It is thus requested that the Examiner continue to examine all of the claims pending in the application.

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Should the Examiner make this requirement final, Applicants hereby Petition the Commissioner, with this paper, to review the Examiner's requirements.

Continued examination of the application on the merits is respectfully requested.

Respectfully submitted,



January 27, 2003
Date

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